

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MICHAEL RAY TIMMONS, #1170940	§	
VS.	§	CIVIL ACTION NO. 6:05cv462
DIRECTOR, TDCJ-CID	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case.

Respondent filed objections to the Report. This Court made a *de novo* review of Respondent's objections and determined that the objections have merit.

This Court finds that the Magistrate Judge's findings and conclusions are otherwise correct, and adopts them as the Court's findings and conclusions. The Court therefore

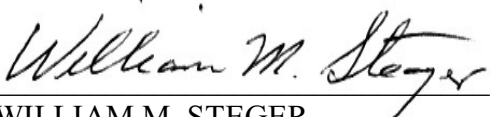
ORDERS the Clerk to change the docket sheet to reflect that Respondent in this case is the Smith County Sheriff;

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED WITHOUT PREJUDICE**;

ORDERS that Petitioner is **DENIED** a certificate of appealability; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 23rd day of March, 2006.



WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE